

Application No: 10/798,412  
Attorney's Docket No: ALC 3120

# REJECTIONS UNDER 35 U.S.C. § 102

In section 2 on pages 2-4, the Office Action rejects claims 22, 23, 24, 26, and 27 under 35 U.S.C. § 102(e) as allegedly being unpatentable over "Method and system for generating geographic visual displays of broadband network data" to Bialk et al. (hereinafter "Bialk"). Applicant respectfully traverses this rejection.

Independent claim 22 recites "an EMS topology map including a subset of network entities and hierarchical information on location of said network entities in said subset" and "means for changing said EMS map according to said topology change data."

Applicant respectfully submits that Bialk fails to disclose, teach, or suggest the above-quoted subject matter. Bialk's system is directed to a centralized approach of network management employing a network configuration manager 92. See Figure 4. Bialk's SDI system 93, which is located within network configuration manager 92, supports network inventory and topology data and acts as a configuration system that allows for changes to be made to the network. See paragraph [0092]. The database of SDI system 93 supports automated provisioning by storing an existing HFC network topology. See paragraph [0096]. In other words, any changes to the topology data are made solely in the SDI system contained in the network configuration manager 92 and are not also made in the element management system.

Accordingly, Bialk does not disclose, teach, or suggest "an EMS topology map including a subset of network entities and hierarchical information on location of said network entities in said subset" or "means for changing said EMS map according to said topology change data," as recited in claim 22.

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Applicant respectfully submits that claims 23, 24, and 26 are allowable based at least on their dependence from claim 22 for the reasons stated above in connection with claim 22. For at least the forgoing reasons, Applicant respectfully requests that the rejection of claims 22, 23, 24, and 26 under 35 U.S.C. § 102 be withdrawn.

Claim 27 recites "receiving at said NMS a user request for resynchronization of said network topology map with said EMS topology maps."

Applicant respectfully submits that Bialk fails to disclose, teach, or suggest the above-quoted subject matter. With respect to this subject matter, the Office Action relies on paragraph [0082] of Bialk, which states that "a peer-to-peer distributed server architecture with synchronized data storage is used to ensure performance and redundancy." In contrast to the Office Action's assertion, this portion of Bialk simply indicates that the trouble ticketing system 102, illustrated in FIG. 13, communicates with multiple synchronized servers, not that the element management system synchronizes NMS and EMS topology maps.

Accordingly, Bialk fails to disclose, teach, or suggest "receiving at said NMS a user request for resynchronization of said network topology map with said EMS topology maps," as recited in claim 27.

Claim 27 also recites "managing a plurality of EMS's, each maintaining a respective EMS topology map." Applicant respectfully submits that Bialk fails to disclose, teach, or suggest this subject matter. Bialk does not disclose, teach, or suggest this element, as discussed further above in connection with the rejection of claim 22, which includes a similar recitation.

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For at least the forgoing reasons, Applicant respectfully requests that the rejection of claim 27 under 35 U.S.C. § 102 be withdrawn.

#### REJECTIONS UNDER 35 U.S.C. § 103

In section 5 on pages 5-17, the Office Action rejects claims 1-21 and 25 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bialk in view of Naik et al. (hereinafter "Naik"). Applicant respectfully traverses this rejection.

Claim 1 recites "each EMS maintaining a respective EMS topology map." Applicant respectfully submits that Bialk fails to disclose, teach, or suggest this subject matter, as discussed further above in connection with the rejection of claim 22, which includes a similar recitation. Naik fails to overcome this deficiency in Bialk.

Claim 1 also recites "updating said EMS map according to said change request." Applicant respectfully submits that Bialk fails to disclose, teach, or suggest this subject matter. Again, as discussed further above in connection with the rejection of claim 22, Bialk's system makes changes to topology data stored in the network configuration manager and does not make these changes in each element management system. See paragraph [0092]. Naik fails to overcome this deficiency in Bialk.

Applicant respectfully submits that claims 2-13 are allowable based at least on their dependence from claim 1 for the reasons stated above in connection with claim 1. For at least the forgoing reasons, Applicant respectfully requests that the rejection of claims 1-13 under 35 U.S.C. § 103 be withdrawn.

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Claim 14, recites "one or more EMS's, each maintaining a respective EMS topology map." Applicant respectfully submits that Bialk fails to disclose, teach, or suggest the above-quoted subject matter, as discussed further above in connection with the rejection of claim 22, which includes a similar recitation. Naik fails to overcome this deficiency in Bialk.

Accordingly, Bialk and Naik fail to disclose, teach, or suggest "one or more EMS's, each maintaining a respective EMS topology map," as recited in claim 14.

Claim 14 also recites "automatically sending, from said EMS to said NMS, a change request comprising topology change data."

Applicant respectfully submits that Bialk fails to disclose, teach, or suggest the above-quoted subject matter. Bialk's system allows changes to be made to the network at SDI system 93, which is a component of network configuration manager 92. See paragraph [0092]. Bialk does not disclose, teach, or suggest that the element management system receives the change request and, in response, sends topology data to the network management system. Naik fails to overcome this deficiency in Bialk.

Accordingly, Bialk and Naik fail to disclose, teach, or suggest "automatically sending, from said EMS to said NMS, a change request comprising topology change data," as recited in claim 14.

Applicant respectfully submits that claim 15 is allowable based at least on its dependence from claim 14 for the reasons stated above in connection with claim 14. For at least the forgoing reasons, Applicant respectfully requests that the rejection of claims 14 and 15 under 35 U.S.C. § 103 be withdrawn.

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Claim 16 recites "means for generating from said user request a change request comprising said topology change data and automatically sending said change request to an EMS affected by said user request."

Applicant respectfully submits that Bialk fails to disclose, teach, or suggest the above-quoted subject matter. Bialk's system makes changes to the network at SDI system 93, which is a component of network configuration manager 92. See paragraph [0092]. Bialk does not disclose, teach, or suggest that the network management system sends a change request including topology change data to the element management system. Naik fails to overcome this deficiency in Bialk.

Accordingly, Naik and Bialk fail to disclose, teach, or suggest "means for generating from said user request a change request comprising said topology change data and automatically sending said change request to an EMS affected by said user request," as recited in claim 16.

Applicant respectfully submits that claims 17-21 are allowable based at least on their dependence from claim 16 for the reasons stated above in connection with claim 16. For at least the forgoing reasons, Applicant respectfully requests that the rejection of claims 16-21 under 35 U.S.C. § 103 be withdrawn.

Claim 25 is allowable based at least on its dependency from claim 22 for the reasons stated above in connection with the rejection of claim 22. Naik fails to overcome the deficiencies in Bialk described above in connection with the rejection of claim 22. For at least the forgoing reasons, Applicant respectfully requests that the rejection of claim 25 under 35 U.S.C. § 103 be withdrawn.

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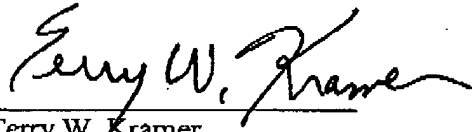
### CONCLUSION

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

While we believe that the instant request places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the correspondence attorney listed below at the telephone number listed below in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,  
KRAMER & AMADO, P.C.



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